

DID # 0101875001

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BEFORE THE
SURFACE TRANSPORTATION BOARD

ENTERED
Office of the Secretary

JAN 22 2002

Part of
Public Record

DOCKET NO. AB-55 (SUB-NO. 603X)

CSX TRANSPORTATION, INC.
ABANDONMENT IN WEBSTER COUNTY,
WEST VIRGINIA

NOTICE OF EXEMPTION

FILED

JAN 22 2002

SURFACE
TRANSPORTATION BOARD

FEE RECEIVED

JAN 22 2002

SURFACE
TRANSPORTATION BOARD

Natalie S. Rosenberg
Counsel
500 Water Street J150
Jacksonville, FL 32202
(904) 359-1253

Counsel for
CSX TRANSPORTATION, INC.

DATED: January 18, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-55 (SUB-NO. 603X)

CSX TRANSPORTATION, INC.
ABANDONMENT IN WEBSTER COUNTY,
WEST VIRGINIA

NOTICE OF EXEMPTION

CSX Transportation, Inc. ("CSXT") files this Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption is for abandonment of CSXT's line of railroad between Milepost BUG 0.0 at Cowen and Milepost BUG 10.5 at Bolair, a distance of approximately 10.5 miles in Webster County, West Virginia (hereinafter "the line"). In accordance with the aforesaid regulations, CSXT makes the following responses:

RESPONSE TO 49 C.F.R. SECTION 1152.50(d)(2):

1. Proposed Consummation Date.

The proposed consummation date of this abandonment is March 18, 2002.

2. Certification Required in Section 1152.50(b).

The required certification is set forth as Exhibit B to this Notice of Exemption.

3. Information required in Section 1152.22(a) (1-4),
(7), (8) and (e) (4).

(a) General.

(1) Exact name of applicant.

CSX Transportation, Inc.

(2) Whether applicant is a common carrier
by railroad subject to the Interstate
Commerce Act.

CSXT is a common carrier by railroad
subject to the Interstate Commerce Act.

(3) Relief sought (abandonment of line or
discontinuance of operations).

CSXT seeks authority to abandon the
line.

(4) Detailed map of the line.

Maps are attached hereto as Exhibit A.

(7) Name, title and address of
representative of applicant to whom
correspondence should be sent.

Natalie S. Rosenberg
Counsel
CSX Transportation, Inc.
500 Water Street J150
Jacksonville, FL 32202

(8) United States Postal Service Zip Codes
that the line traverses.

The relevant Zip Codes are 26206 and
26288.

(e) Rural and community impact.

- (4) Statement of whether the properties proposed to be abandoned are suitable for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The properties proposed for abandonment may be suitable for other public purposes, but may be subject to reversionary interests that would affect transfer of title for other than rail purposes.

4. The Level of Labor Protection.

CSXT understands that, in exempting the proposed abandonment, the Board does not relieve a carrier of its statutory obligation to protect the interests of employees. See 49 C.F.R. Section 1152.50(c). Accordingly, CSXT anticipates that the Board will impose the conditions set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979), for the benefit of any carrier employee who may be adversely affected by the proposed abandonment.

5. Certificate of Compliance With the Notice Requirements of Section 1152.50(d) (1).

The required certificate is set forth as Exhibit C to this Notice of Exemption.

6. Environmental Report and Historic Report.

The Environmental Report required by 49 C.F.R. 1105.7 and the Historic Report required by 49 C.F.R. 1105.8 are attached as Exhibits D and E, respectively, to this Notice of Exemption. Attached as Exhibit F is a certificate showing CSXT's compliance with 49 C.F.R. 1105.11.


7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published in The Webster Echo, Webster County, West Virginia, on January 16, 2002. An affidavit of publication from this newspaper will be forwarded to the Board as soon as it is received by CSXT.

8. Verification.

The required verification is set forth as Exhibit G to this Notice of Exemption.

Respectfully submitted,


Natalie S. Rosenberg
Counsel
CSX Transportation, Inc.
500 Water Street J150
Jacksonville, FL 32202

DATED: January 18, 2002



CSX TRANSPORTATION, INC.

STATE OF WEST VIRGINIA

10.5 Miles of Track to be Abandoned 

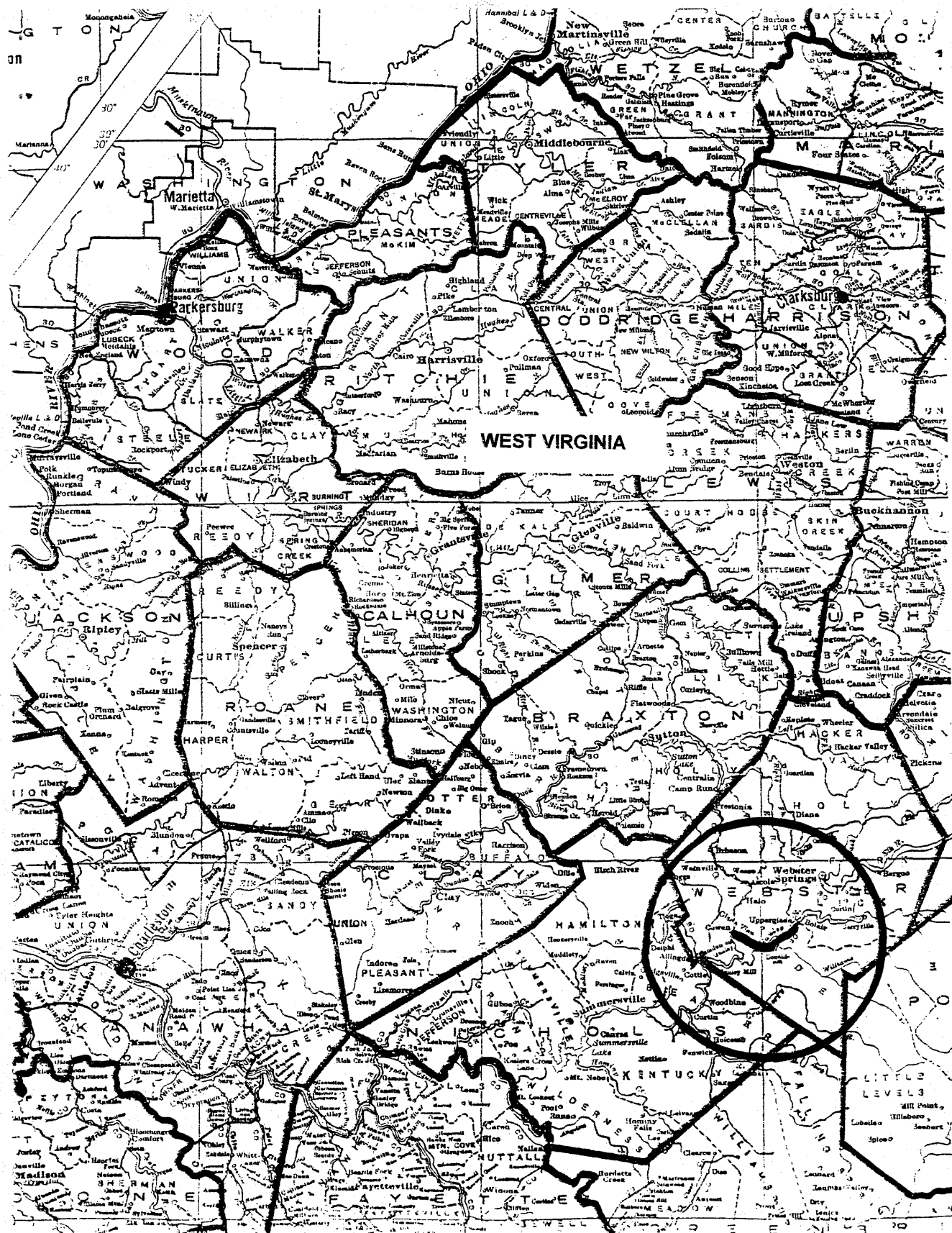


Exhibit B

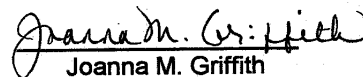
CERTIFICATION REQUIRED

IN 49 C. F. R. SECTION 1152.50(b)

In accordance with 49 C. F. R. Section 1152.50(b), I hereby certify that, with respect to the line subject of the Notice of Exemption in Docket No. AB-55 (Sub-No. 603X):

- (1) no local traffic has moved over the line for at least two years prior to the date hereof
- (2) there is no overhead traffic on the line
- (3) no formal complaint filed by a user of rail service on the line (or state or local government agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof

The foregoing certification is made on behalf of CSX Transportation, Inc. by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information, and belief of the undersigned.


Joanna M. Griffith

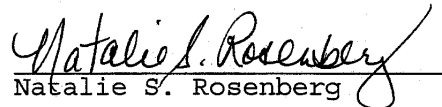
Dated: January 8, 2002

EXHIBIT C

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1152.50(d)(1)

In accordance with 49 C.F.R. §1152.50(d)(2), I hereby
certify that:

On January 4, 2002, I caused to be served by U.S. first-class mail, postage prepaid, the notice required by 49 C.F.R. §1152.50(d)(1), upon the Railroad Section Manager of the Public Service Commission of West Virginia, the Military Traffic Management Command of the U.S. Department of Defense, the National Park Service, Land Resources and Recreation Resources Divisions, and the U. S. Department of Agriculture.


Natalie S. Rosenberg

Dated: January 18, 2002

ENVIRONMENTAL REPORT

**CSX TRANSPORTATION, INC.
COWEN TO BOLAIR, WEBSTER COUNTY, WEST VIRGINIA
DOCKET AB-55 (SUB-NO. 603X)**

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(1) PROPOSED ACTION AND ALTERNATIVES

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSX Transportation, Inc. (CSXT) proposes to abandon 10.5 miles of its rail line from Cowen to Bolair, Webster County, West Virginia. The line was formerly used to ship coal; however, there has been no originating or terminating traffic for at least two years, and no future traffic is anticipated.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; subsequently, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the operating loss and capital costs (or opportunity costs, if notice) of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps, which delineate the proposed project, are attached. (See Attachments 1 and 2.)

(2) TRANSPORTATION SYSTEM

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight)

that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no CSXT passenger or freight traffic on this line. There will be no effect on existing regional or local transportation systems or patterns.

(3) LAND USE

- (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.**

Applicant has not received a response to its inquiry of December 4, 2001, to the Town of Cowen City Planning Department and to the Webster County Planning Commission requesting information regarding this statement. (See Attachments 3 and 4.) Based on the fact that the line has not generated any traffic during the past two years, Applicant believes the proposed action is not inconsistent with local land use plans.

- (ii) Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.**

Applicant has not received a response to its inquiry of December 4, 2001 to the U. S. Department of Agriculture, District Conservationist for Webster County, West Virginia, requesting information regarding this statement. (See Attachment 5.) Applicant believes that the simple removal of track material should not have an adverse impact.

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9.**

The State of West Virginia does not have a Coastal Zone Management Program.

- (iv) If the proposed action is an abandonment, state whether or not the right of way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.**

This line has historically been used for coal shipments and would not appear to be suitable for other public purposes.

01/11/02

(4) ENERGY

- (i) Describe the effect of the proposed action on transportation of energy resources.**

Since this line has not been needed or used in recent years for the transportation of coal, Applicant does not anticipate any adverse impact on the future transportation of energy resources.

- (ii) Describe the effect of the proposed action on recyclable commodities.**

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.**

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.**

There will be no diversion of rail traffic to motor carriage.

(5) AIR

- (i) If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.**

The above thresholds will not be exceeded.

01/11/02

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

There will be no effect on public health and safety as a result of the proposed action.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals

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are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

Not applicable.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right of way, identify the location of those sites and the types of hazardous materials involved.

Applicant's records do not indicate any hazardous waste sites or sites where there have been hazardous material spills on this line segment.

(8) BIOLOGICAL RESOURCES

- (i) Based on consultation with the U. S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

On January 3, 2002, the U. S. Department of the Interior, Fish and Wildlife Service, Elkins, West Virginia, advised, *"No federally listed endangered and threatened species or species of concern are expected to be impacted by the project."* (See Attachment 6.)

- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The line traverses through the Monongahela National Forest.

(9) WATER

- (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

Applicant has not received a response to its inquiry of December 4, 2001, to the Office of Water Resources, WV

01/11/02

state environmental protection or equivalent agency if they are unsure whether such permits are required).

Applicant has not received a response to its December 4, 2001, letter to the West Virginia Department of Environmental Management, Charleston, West Virginia and to the U. S. Environmental Protection Agency, Region 4. (See Attachments 7 and 9.)

Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

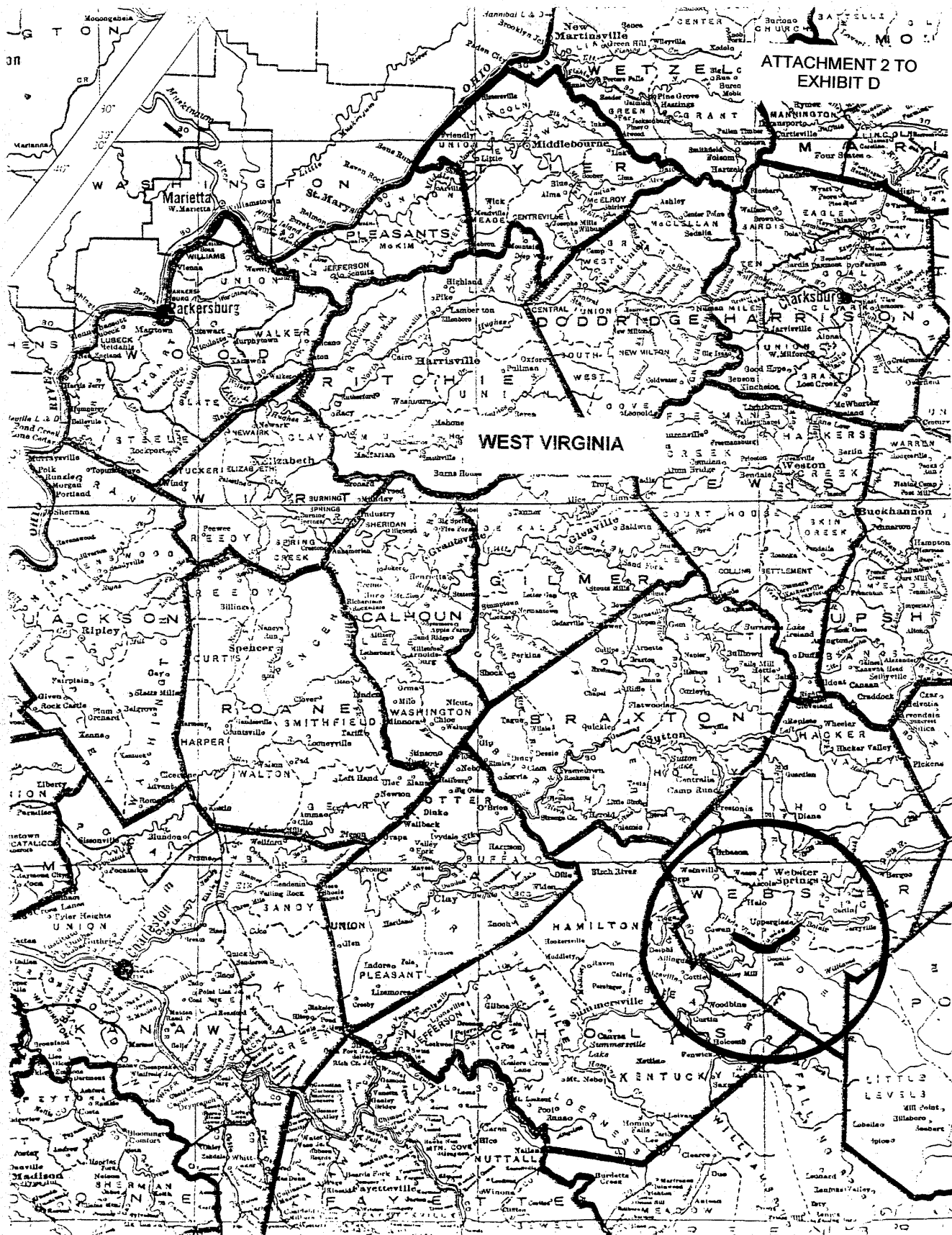
There will be no adverse environmental impacts in the project area as a result of this abandonment; therefore, mitigating action will not be necessary.

ATTACHMENT 1 TO EXHIBIT D

Map of the Gauley River area in West Virginia, showing the route of the Gauley River Railroad (GRR) and the location of the Big Rock Campground. The map includes various towns, rivers, and mountains. The GRR route is highlighted with a thick black line, starting from the north and ending at the Big Rock Campground. The Big Rock Campground is located near the town of Cranberry Ridge and the Cranberry River. The map also shows the location of the Big Rock Campground relative to other landmarks, such as the Gauley River, the Cranberry River, and the Cranberry Ridge. The map is titled 'ATTACHMENT 1 TO EXHIBIT D'.

STATE OF WEST VIRGINIA

10.5 Miles of Track to be Abandoned





ATTACHMENT 3 TO
EXHIBIT D

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 359-1111
E-Mail: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

December 4, 2001

Town of Cowen
City Planning Department
3rd West
Cowen, WV 26206

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Cowen to Bolair, Webster County, West Virginia as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that we develop a response to the following statement:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

I would appreciate your advice as to the existence of a long-range comprehensive planning map for the City of Cowen and the line's relationship to such planning.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephanie M. Lemmon", written over a horizontal line.

Stephanie M. Lemmon

Attachment



ATTACHMENT 4 TO
EXHIBIT D

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 359-1111
E-Mail: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

December 4, 2001

Webster County Planning Commission
County Courthouse
2 Court Square
Webster Springs, WV 26288

Gentlemen:

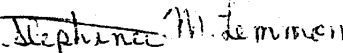
Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Cowen to Bolair, Webster County, West Virginia as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that we develop a response to the following statement:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies."

I would appreciate your advice as to the existence of a long-range comprehensive planning map for Webster County and the line's relationship to such planning.

Sincerely,


Stephanie M. Lemmon

Attachment



ATTACHMENT 5 TO
EXHIBIT D

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 359-1111
E-Mail: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

December 4, 2001

Mr. Larry Greynolds
District Conservationist
Federal Building
P.O. Box 250
Summersville, WV 26651

Gentlemen:

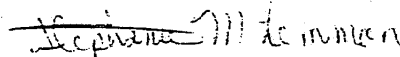
Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Cowen to Bolair, Webster County, West Virginia as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(ii) require that we develop a response to the following statement:

"Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land."

Please advise if any of the land contiguous to CSXT's line in the project area is classified as prime agriculture land.

Sincerely,


Stephanie M. Lemmon

Attachment



United States Department of the Interior
FISH AND WILDLIFE SERVICE

ATTACHMENT 6 TO
EXHIBIT D



West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241

JAN 03 2002

Stephanie M. Lemmon
CSX Transportation
500 Water Street
Jacksonville, FL 32202

Dear Ms. Lemmon:

This responds to your information request of December 4, 2001 regarding the potential impacts of a proposed project on wetlands and federally listed endangered and threatened species and species of concern. CSX Transportation proposes abandonment of a portion of its rail line from Cowen to Bolair, Webster County, West Virginia. No new access roads would be constructed. Debris would be transported off site and would not be discarded along the right of way or in streams or wetlands. During track removal, appropriate measures would be implemented to prevent or control spills. No forest clearing would result from this project.

No federally listed endangered and threatened species or species of concern are expected to be impacted by the project. Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) is required with the Fish and Wildlife Service. Should project plans change, or if additional information on listed and proposed species or species of concern becomes available, this determination may be reconsidered. A compilation of federally listed endangered and threatened species in West Virginia is enclosed for your information.

Our review of the National Wetlands Inventory 7½-minute topographic maps indicates no wetlands occur on the site. However, definitive determinations of the presence of waters of the United States, including wetlands, and the need for permits, if any, are made by the U.S. Army Corps of Engineers. They may be contacted at: Huntington District, Regulatory Branch, 502 Eighth Street, Huntington, West Virginia 25701, telephone (304)529-5710.

If you have any questions regarding this letter, please have your staff contact Shane Jones of my staff, or contact me directly, at (304) 636-6586, or at the letterhead address.

Sincerely,

William A. Towner
for Jeffrey K. Towner
Field Supervisor



ATTACHMENT 7 TO
EXHIBIT D

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 359-1111
E-Mail: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

December 4, 2001

Ms. Allyn Turner, Chief
Office of Water Resources
WV Division of Environmental Protection
1201 Greenbrier Street
Charleston, WV 25311-1088

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Cowen to Bolair, Webster County, West Virginia as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that we develop a response to the following statements:

- (i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."
- (iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, we would appreciate receiving your concurrence with CSXT's position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

If you have any questions, please feel free to contact me.

Sincerely,

Stephanie M. Lemmon

Attachment



ATTACHMENT 8 TO
EXHIBIT D

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 359-1111
E-Mail: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

December 4, 2001

The District Engineer
Attention: ORHOP-F
U.S. Army Corps of Engineers
502 8th Street
Huntington, WV 25701-2070

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Cowen to Bolair, Webster County, West Virginia as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9)(ii) require that we develop a response to the following statement:

"Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects."

It is our opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove CSXT's metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. We do not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and we do not anticipate any dredging or use of fill in the removal of the track material. The track removal will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways.

Based upon the above described actions, we would appreciate your concurrence in CSXT's position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

We would appreciate your comments; and, if you have any questions, please feel free to call me.

Sincerely,

A handwritten signature in dark ink that reads "Stephanie M. Lemmon". The signature is written in a cursive, flowing style.

Stephanie M. Lemmon

Attachment



ATTACHMENT 9 TO
EXHIBIT D

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
Phone: (904) 359-3311
FAX: (904) 359-1111
E-Mail: Stephanie_Lemmon@csx.com

Stephanie M. Lemmon
Project Manager

December 4, 2001

United States Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Cowen to Bolair, Webster County, West Virginia as depicted on the attached map.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that we develop a response to the following statements:

- (i) "Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."
- (iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, we would appreciate receiving your concurrence with CSXT's position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time.

If you have any questions, please feel free to contact me.

Sincerely,

Stephanie M. Lemmon

Attachment

HISTORIC REPORT

EXHIBIT E

CSX TRANSPORTATION, INC.
COWEN TO BOLAIR, WEBSTER COUNTY, WEST VIRGINIA
DOCKET AB-55 (SUB-NO. 603X)

1105.7(e)(1)

PROPOSED ACTION AND ALTERNATIVES. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable detailed map and drawings clearly delineating the project.

CSX Transportation, Inc. (CSXT) proposes to abandon 10.5 miles of its rail line from Cowen to Bolair, Webster County, West Virginia. The line was formerly used to ship coal; however, there has been no originating or terminating traffic for at least two years, and no future traffic is anticipated.

Abandonment of this line will result in the removal of the rail, cross-ties, and possibly the upper layer of ballast; and operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps, which delineate the proposed project, are attached.
(See Attachments 1 and 2.)

1105.8(d)

- (1) A U.S.G.S. topographic map (or an alternate map drawn to scale

and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

Attached are copies of the Cowen Quadrangle and the NW/4 Webster Springs Quadrangle topographic maps prepared by the U. S. Department of Interior Geological Survey prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy black diagonal line. (See Attachments 3 and 4, respectively.) There is one CSXT-owned structure (Bridge No. 1) that is 50 years old or older that is part of the proposed action. Its location has been identified on the Cowen Quadrangle topographic map (Attachment 3).

- (2) A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:

The right-of-way widths along this line vary between 33 feet and 150 feet from the center of line of track. The rail line winds around the Gauley River and traverses a mountainous area.

- (3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Photographs of Bridge No. 1 have been requested and will be mailed under separate cover.

- (4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known:

Bridge No. 1 was constructed in 1944. It is constructed from concrete, steel and timber and is approximately 304 ft. in length. The bridge is located near Donaldson, West Virginia.

- (5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The Baltimore & Ohio Railroad Company (B&O) acquired this property from various individuals and organizations from 1943 through 1946 and from the Cherry Boom and Lumber Company in 1966. The B&O was incorporated under the general laws of Maryland and Virginia in 1827 and under the general laws of Pennsylvania in 1838.

In February 26, 1973, the Chessie System, Inc. was formed, and Chessie System Railroads was adopted as the new corporate identity for the Chesapeake & Ohio Railway Company, B&O and WM Railroads. On November 1, 1980, Seaboard Coast Line Industries, Inc. and Chessie Systems, Inc. merged and became CSX Corporation. On April 30, 1987, the B&O was merged into the Chesapeake & Ohio Railway Company. The Chesapeake & Ohio Railway Company was merged into CSX Transportation, Inc. on September 2, 1987.

Upon receiving abandonment authority, Applicant's operations and maintenance over this line will cease.

- (6) A brief summary of documents in the carrier's possession, such as engineering drawings that might be useful in documenting a structure that is found to be historic:

Engineering Sketches and Valuation Maps,
Office of Chief Engineer, Jacksonville, FL.

- (7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

A review of our records indicates there is one CSXT-owned structure over 50 years old on this line segment.

We do not know of any significance or uniqueness to this structure that would warrant your consideration, since to our knowledge, it is not associated with any event that has made a contribution to the broad patterns of history; or was not associated with lives of persons significant to our past; does not embody the distinctive characteristics of a type, period or method of construction and does not represent a significant and distinguishable entity whose component may lack individual distinction and has not or may not be likely to yield information important in prehistory or history.

We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been

affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.

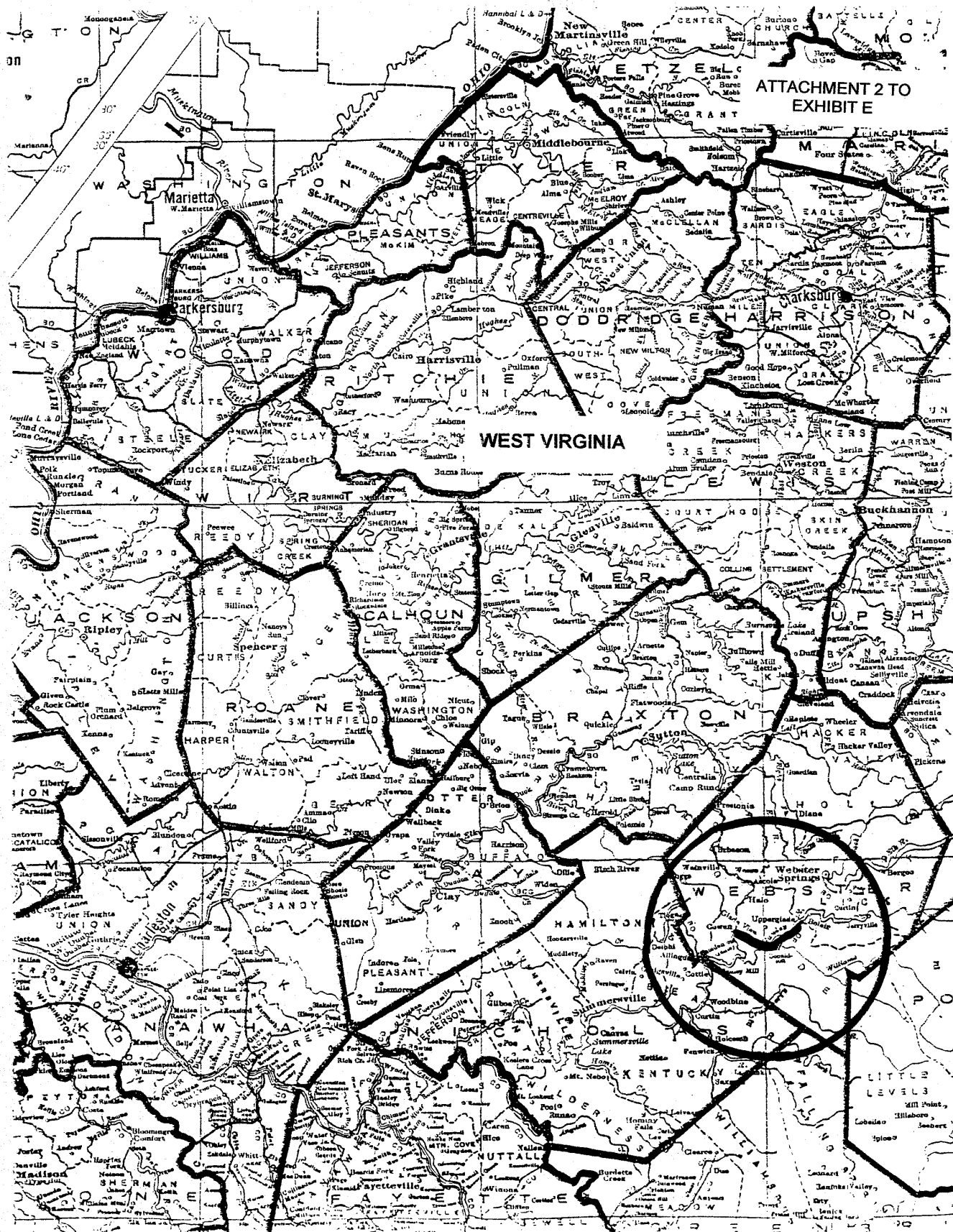
ATTACHMENT 1 TO
EXHIBIT E



CSX TRANSPORTATION, INC.

STATE OF WEST VIRGINIA

10.5 Miles of Track to be Abandoned



ATTACHMENT 3 TO
EXHIBIT E

U. S. DEPT. OF THE INTERIOR
QUADRANGLE GEOLOGICAL SURVEY

COWEN QUADRANGLE
West Virginia - Webster County
1966 - Photorevised 1981
Page 1 of 1

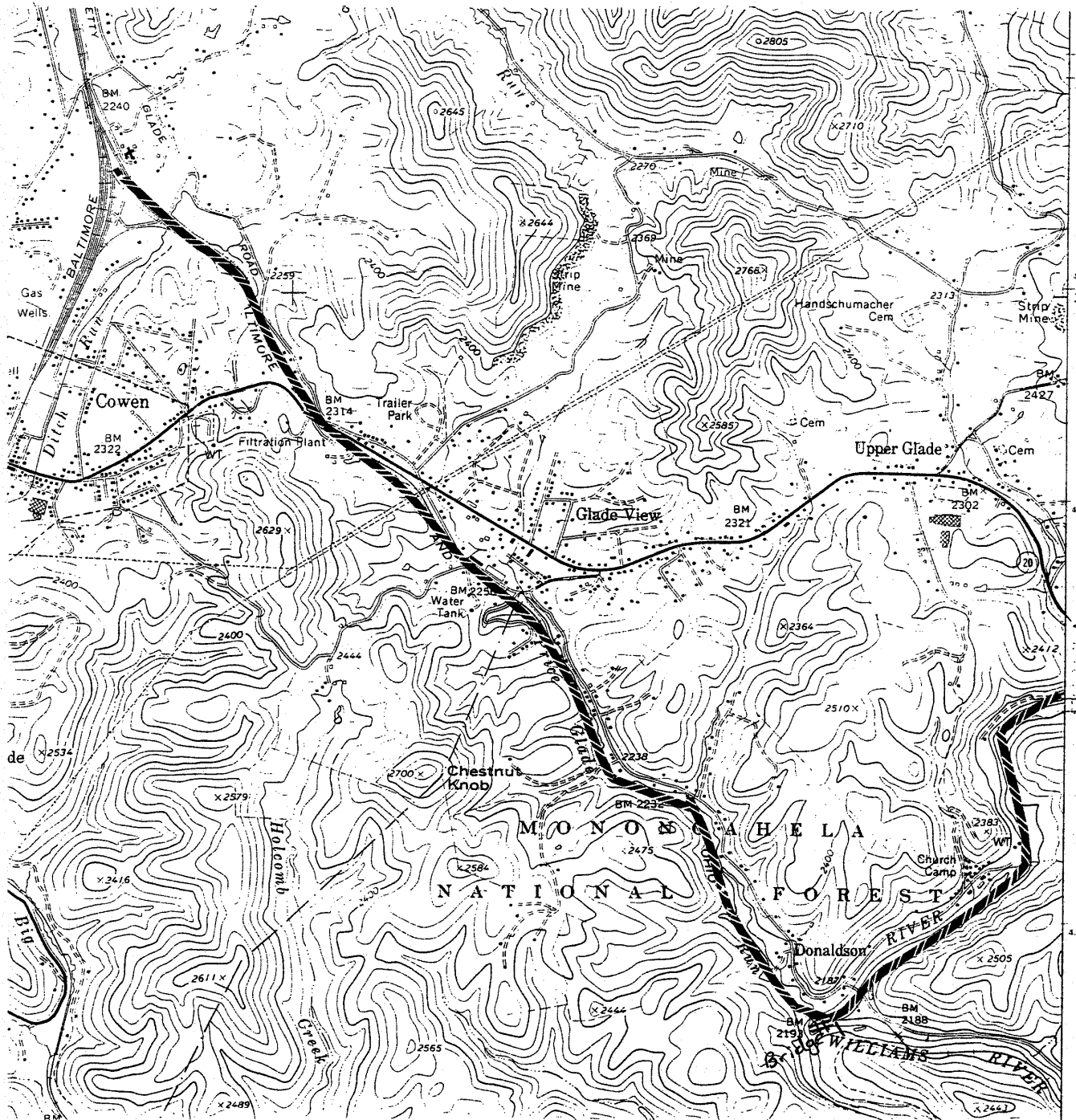


EXHIBIT F

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1105.11 and 1105.7(b)

In accordance with 49 C.F.R. §1105.7(b), I hereby certify that on or about December 28, 2001, a copy of the Environmental Report was served upon the below listed parties, by first-class mail, postage prepaid:

Town of Cowen
City Planning Department
3rd West
Cowen, WV 26206

Webster County Planning Commission
County Courthouse
2 Court Square
Webster Springs, WV 26288

U.S. Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Ms. Allyn Turner, Chief
Office of Water Resources
WV Division of Environmental Protection
1201 Greenbrier Street
Charleston, WV 25311-1088

Mr. Jeffrey Towner, Supervisor
U.S. Department of the Interior
Fish & Wildlife Service
694 Beverly Pike
Elkins, WV 26241

The District Engineer
U.S. Army Corps of Engineers
Attention: ORHOP-F
502 8th Street
Huntington, WV 25701-2070

Mr. Fred Cutlip, Director
Community Development Division
Governor's Office of Community

And Industrial Development
Building #6, Room 553
Charleston, WV 25305

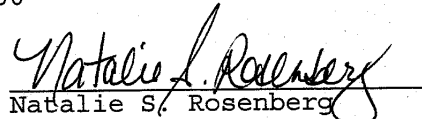
Mr. Larry Greynolds
District Conservationist
Federal Building
P.O. Box 250
Summersville, WV 26651

National Geodetic Survey N/NGS23
Attn: Mr. Frank Maida
DOC/NOAA
1315 East-West Highway Station 8736
Silver Spring, MD 20910-3282

Northeast Region
Regional Director
National Park Service
U.S. Custom House
200 Chestnut Street- 5th FL
Philadelphia, PA 19106

In accordance with 49 C.F.R. 1105.8(c), I hereby certify that on December 26, 2001 a copy of the Historic Report was served upon the below listed party, by first-class mail, postage prepaid:

Ms. Susan M. Pierce
Deputy State Historic Preservation Officer
Department of Culture and History
The Cultural Center, Capitol Complex
1900 Kanawha Boulevard, East
Charleston, WV 25305-0300


Natalie S. Rosenberg

Dated: January 18, 2002

EXHIBIT G

VERIFICATION

STATE OF FLORIDA)
)
DUVAL COUNTY)

B. J. LEAGUE, being duly sworn, states that she is Assistant Vice President-Asset Management of CSX Transportation, Inc.; that she is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No. AB-55 (Sub-No. 603X) on behalf of CSX Transportation, Inc.; that she has carefully examined all of the statements in the Notice of Exemption; that she has knowledge of the facts and matters relied upon in the Notice of Exemption; and that all representations set forth therein are true and correct to the best of her knowledge, information and belief.

B. J. League
B. J. LEAGUE

Subscribed and sworn to
before me, a Notary Public
in and for the State and
County above named, this
17th day of January, 2002.

Barbara L. Jernigan
Notary Public
My Commission Expires: _____

